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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,823	07/02/2003	Daniel W. Mauney	1033-T00142-C4	3919
60533	7590	10/13/2006	EXAMINER	
TOLER SCHAFFER, LLP 5000 PLAZA ON THE LAKES SUITE 265 AUSTIN, TX 78746			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/612,823	MAUNEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sharad Rampuria	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 July 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-39 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

II. The current office-action is in response to the amendments/remarks filed on 07/06/2006.

Accordingly, Claims 1-39 are imminent for further assessment as follows:

### ***Information Disclosure Statement***

III. The Information Disclosure statement (IDS) submitted is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

### ***Claim Rejections - 35 USC § 102***

IV. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-6, 8-14, 16-17, 19-23, 25-26, 28-35 & 37-39 are rejected under 35 U.S.C.

102 (e) as being anticipated by **Grube et al. [US 6005848]** *hereinafter Grube*.

As per claim 1, **Grube** teaches:

A wireless communication device (104-109; Fig.1, Abstract), the wireless communication device comprising:

A transmitter for transmitting a transmission signal via a wireless network; a receiver for receiving an inbound signal via the wireless network; (104-109; Fig.1, Col.2; 31-48) and

Wherein the wireless communication device is addressable by a public switch telephone network (103; Fig.1) coupled to the wireless network using a first identification number (e.g. outbound code; Col.4; 30-50) and wherein the wireless communication device is addressable by a peer device associated with the wireless network using a second (e.g. inbound code; Col.4; 30-50) identification number. (Col.3; 26-40, Col.4; 30-50).

As per claims 2, 16, 20, 25, 29, 37, **Grube** teaches:

The wireless communication device of claims 1, 15, 19, 24, 28, 35, further comprising memory including a list of peer devices, the list of peer devices comprising peer identification numbers for addressing peer devices associated with the wireless network. (Col.3; 41-61).

As per claim 3, **Grube** teaches:

The wireless communication device of claim 2, wherein the receiver is configured to receive a list data signal from the peer device, the list data signal including a list of wireless devices associated with the wireless network. (Col.3; 41-61).

As per claim 5, **Grube** teaches:

The wireless communication device of claim 1, wherein the receiver is configured to receive data from a peer device when addressed using the second identification number. (Col.3; 41-61).

As per claim 6, **Grube** teaches:

The wireless communication device of claim 5, wherein the data includes a second identification number of the peer device and the transmitter is selectively configured to transmit a signal when the second identification number of the peer device is included in a list of authorized peer devices. (Col.3; 41-61).

As per claims 8, 17, 26, **Grube** teaches:

The wireless communication device of claims 5, 14, 23, wherein the data comprises voice data. (Col.4; 65-Col.5; 12).

As per claims 9, 19, 28, 34, **Grube** teaches:

The wireless communication device of claims 1, 14, 23, 33, wherein the transmitter is configured to transmit a find signal, the find signal including a second identification number of a peer device associated with the wireless network. (Col.4; 47-56).

As per claim 10, **Grube** teaches:

The wireless communication device of claim 1, wherein the peer device is a handset. (Col.2; 31-45, Col.1; 16-22).

As per claims 11, 38, **Grube** teaches:

The wireless communication device of claims 1, 35, wherein the inbound signal is a direct signal from the peer device. (Col.4; 51-64).

As per claims 12, 21-22, 30-31, 33, 39, **Grube** teaches:

The wireless communication device from claims 1, 14, 23, 32, 35, wherein the inbound signal is a signal from the peer device communicated via a mobile switching center. (Col.2; 59-67).

As per claim 13, **Grube** teaches:

The wireless communication device of claim 1, wherein the receiver is configured to receive a registry signal via a registry channel, the registry signal including a second identification number of the peer device. (Col.3; 41-61).

As per claim 14, **Grube** teaches:

A method of communication using a wireless communication device via a wireless network, (104-109; Fig.1, Abstract), the method comprising:

Establishing a first communication path with a wireless network and with a public switch telephone network coupled to the wireless network in response to receiving a first signal including a mobile identification number associated with the public switch telephone network

and uniquely associated with the wireless communication device; (104-109; Fig.1, Col.2; 31-48)

and

Establishing a second communication path via the wireless network in response to receiving a second signal including a wireless network identification number independent from the public switch telephone network and uniquely associated with the wireless communication device. (Col.3; 26-40, Col.4; 30-50).

As per claim 23, **Grube** teaches:

A wireless communication device comprising: a transmitter; a receiver; and communication circuitry coupled to the transmitter and coupled to the receiver, (104-109; Fig.1, Abstract),

The communication circuitry coupled to the transmitter and coupled to the receiver, the communication circuitry configured to establish a first communication path with a wireless network and with a public switch telephone network coupled to the wireless network in response to receiving a first signal including a mobile identification number associated with the public switch telephone network and uniquely associated with the wireless communication device, the communication circuitry configured to establish a second communication path via the wireless network in response to receiving a second signal including a wireless network identification number independent from the public switch telephone network and uniquely associated with the wireless communication device. (Col.3; 26-40, Col.4; 30-50).

As per claim 32, **Grube** teaches:

The wireless telephone handset (104-109; Fig.1, Abstract), comprising:

Communication circuitry configured to communicate with a wireless network, the wireless network coupled to a public switch telephone network; a memory coupled to the communication circuitry, the memory including a mobile identification number associated with a public switch telephone number and a wireless network number not associated with the public switch telephone number; and wherein the communication circuitry is addressable using the public switch telephone number and the communication circuitry is uniquely addressable using the wireless network. (Col.3; 26-40, Col.4; 30-50).

As per claim 35, **Grube** teaches:

A wireless communication device, the wireless communication device (104-109; Fig.1, Abstract), comprising:

A transmitter for transmitting a transmission signal via a wireless network; a receiver for receiving an inbound signal via the wireless network; (104-109; Fig.1, Col.2; 31-48)

Wherein the wireless communication device is addressable by a public switch telephone network coupled to the wireless network using a first identification number and wherein the wireless communication device is addressable by a peer device associated with the wireless network using a second identification number; memory including a list of peer devices, the list of peer devices comprising peer identification numbers for addressing peer devices associated with the wireless network; and wherein the receiver is configured to receive a list data signal from the peer device, the list data signal including the list of peer devices associated with the wireless

network. (Col.3; 26-40, Col.4; 30-50).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4, 15, 24, 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Grube** in view of **Grube et al.** [US 5553314].

As per claims 4, 15, 24, 36, **Grube** teaches all the particulars of the claim except wherein the receiver is configured to use a low power connection. However, **Grube** [US 5553314] teaches in an analogous art, that the wireless communication device of claims 3, 15, 23, 35, wherein the receiver is configured to use a low power connection. [Col.2; 53-62] Therefore, it

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would have been obvious to one of ordinary skill in the art at the time of invention to modify **Grube** including wherein the receiver is configured to use a low power connection in order to provide a communication device to communicate a unit of operation in a wireless communication system.

Claims 7, 18, 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Grube** in view of **Chow et al.** [US 6785560].

As per claims 7, 18, 27, **Grube** teaches all the particulars of the claim except wherein the data comprises text data. However, **Chow** teaches in an analogous art, that the wireless communication device of claims 5, 14, 23, wherein the data comprises text data. [Col.34; 54-62] Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Grube** including wherein the data comprises text data in order to provide a speed calling in a wireless communication system.

### ***Conclusion***

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).



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Art Unit 2617